

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

RAYMOND FRAZIER, : Case No. 3:11-cv-419
: :
Petitioner, : Judge Timothy S. Black
: Magistrate Judge Sharon L. Ovington
vs. : :
: :
WARDEN, Lebanon Correctional :
Institution, : :
: :
Respondent. : :

**DECISION AND ENTRY: (1) ADOPTING THE REPORT AND
RECOMMENDATIONS OF THE UNITED STATES MAGISTRATE JUDGE
(Doc. 16); and (2) TERMINATING THIS CASE FROM THE DOCKET**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Sharon L. Ovington. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court, and, on July 3, 2012, submitted a Report and Recommendations. (Doc. 16). The Petitioner did not file Objections.

As required by 29 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendations (Doc. 16) is **ADOPTED**;
2. The Petition (Doc. 3) and Amended Petition (Doc. 5) are **DISMISSED**;

3. The motion for evidentiary hearing (Doc. 6) is **DENIED** as **MOOT**;
4. A certificate of appealability under 28 U.S.C. § 2253 and leave to appeal in forma pauperis is **DENIED**; and
5. This case is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 7/27/12

Timothy S. Black

Timothy S. Black
United States District Judge